



General Assembly

Substitute Bill No. 876

January Session, 2009

* SB00876APP 041609 *

**AN ACT CONCERNING LIABILITY OF NURSING HOME OWNERS FOR
NEGLECT AND ABUSE OF NURSING HOME RESIDENTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-528a of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2009*):

3 For any application of licensure for the acquisition of a nursing
4 home filed after July 1, 2004, any potential nursing home licensee or
5 owner [must] shall submit, in writing, a change in ownership
6 application with respect to the facility for which the change in
7 ownership is sought. The Department of Public Health shall prepare
8 the change in ownership application which shall include the following
9 statement printed in no less than twelve-point boldface type of
10 uniform font on the first page of the application: "NOTICE: Any
11 nursing home licensee or owner, including, but not limited to, an
12 officer, director, trustee, limited partner, managing partner, general
13 partner or any person having at least a ten per cent ownership interest
14 in the owner, as well as any administrator, assistant administrator,
15 medical director, director of nursing or assistant director of nursing,
16 may be subject to criminal liability, in addition to civil and
17 administrative sanctions under federal and state law, for the abuse or
18 neglect of a resident of the nursing home perpetrated by an employee
19 of the nursing home." Such application shall also include whether

20 such potential nursing home licensee or owner (1) has had civil
 21 penalties imposed through final order of the commissioner in
 22 accordance with the provisions of sections 19a-524 to 19a-528,
 23 inclusive, or civil penalties imposed pursuant to the statutes or
 24 regulations of another state, during a two-year period, (2) has had in
 25 any state intermediate sanctions imposed through final adjudication
 26 under the Medicare or Medicaid program pursuant to Title XVIII or
 27 XIX of the federal Social Security Act, 42 USC 301, as from time to time
 28 amended, or (3) has had in any state such potential licensee's or
 29 owner's Medicare or Medicaid provider agreement terminated or not
 30 renewed. [.] The commissioner shall not approve such application to
 31 acquire another nursing home in this state for a period of five years
 32 from the date of final order on such civil penalties, final adjudication of
 33 such [intermediate] sanctions, or termination or nonrenewal, except for
 34 good cause shown. [Notwithstanding, the provisions of this section,
 35 the Commissioner of Public Health, may for good cause shown, permit
 36 a potential nursing home licensee or owner to acquire another nursing
 37 home prior to the expiration of said five-year period.]

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2009	19a-528a
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AGE	<i>Joint Favorable C/R</i>	PH
PH	<i>Joint Favorable Subst. C/R</i>	APP
APP	<i>Joint Favorable Subst.</i>	